

Penal Code of Texas, which is as follows:

Be it enacted by the Legislature of the State of Texas:

That Article 633 of the Penal Code of Texas be amended so as to hereafter read as follows, to wit:

"Article 633. Rape is the carnal knowledge of a woman without her consent, obtained by force, threats or fraud, or the carnal knowledge of a woman other than the wife of the person having such carnal knowledge with or without the consent, and with or without the use of threats, force or fraud, such woman being so mentally diseased at the time as to have no will to oppose the act of carnal knowledge, the person having carnal knowledge of her knowing her to be so mentally diseased; or the carnal knowledge of a female under the age of 18 years."

As will be observed, the amendment consists in raising the age of consent from 15 years to 18 years.

Signed—Mrs. Thos. M. Bosson, Mrs. E. B. Blanton, Mrs. Gus McKenne, Committee.

Senator Adams presented a memorial against the repeal of the bucketshop law, signed by the Farmers' Union of Brown county.

Also, a petition from citizens of the Twenty-sixth Senatorial District, favoring the Meachum-Mayfield bill, prohibiting pool selling, bookmaking on horse races, etc.

#### SIXTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, February 2, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Hayter.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Thomas.
Masterson.	Veale.
Mayfield.	Ward.

Watson.  
Weinert.

Willacy.

Absent.

Hume.

Absent—Excused.

Harper.  
Stokes.

Sturgeon.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Alexander, the same was dispensed with.

#### INVITATION TO VISIT GALVESTON.

Senator Masterson here extended to the Senate an invitation on part of the citizens of Galveston, to visit that city at the conclusion of the Senate's visit to Houston on next Saturday and Sunday.

On motion of Senator Perkins, the invitation was accepted.

#### EXCUSED.

On account of important business:

Senator Perkins for yesterday, on motion of Senator Terrell of Bowie.

Senator Veale for yesterday, on motion of Senator Murray.

Senator Bryan for yesterday, on motion of Senator Terrell of Bowie.

#### BILLS AND RESOLUTIONS.

By Senator Veale:

Senate bill No. 145, A bill to be entitled "An Act to authorize the Wichita Falls Railway Company to purchase, own and operate the Wichita Falls & Northwestern Railway Company of Texas and the Wichita Falls & Southern Railway Company; to negotiate loans," etc.

Read first time, and referred to Committee on Internal Improvements.

By Senator Senter:

Senate bill No. 146, A bill to be entitled "An Act to establish and create in each of the cities of this State having a population of 25,000 inhabitants, a State court, to be known as the corporation court in such city, and to prescribe the jurisdiction and organization thereof, and providing for the custody and care of prisoners doing punishment under judgments from said court."

Read first time, and referred to Committee on Towns and City Corporations. Morning call concluded.

### BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

Senate bill No. 67, "An Act to be entitled 'An Act to reorganize the Thirty-second, Sixty-third, Thirty-fourth and Thirty-ninth Judicial Districts,' and to create the Sixty-eighth Judicial District of Texas."

### FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, February 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 57, A bill to be entitled "An Act to restore to and confer upon the county court of Shelby county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of the State, and to conform the jurisdiction of the district court of said county to such change, and to give said county court concurrent jurisdiction with justices of the peace and other inferior courts of said county, and to repeal all laws and parts of laws in conflict with this act."

House bill No. 104, A bill to be entitled "An Act putting into effect the constitutional amendment adopted by the people at the last general election, relating to public schools by amending Sections 50, 57, 58, 59, 60, 61, 63, 66, 76, 77, 78, 80, 81 and 154, and adding 154a of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to school districts and school funds; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

House bill No. 263, A bill to be entitled "An Act to reorganize the Forty-seventh Judicial District, and to create the Sixty-ninth Judicial District; to fix the time for holding the terms of the district courts in said districts, and to provide for the appointment of a dis-

trict judge and district attorney in the said Sixty-ninth Judicial District, and declaring an emergency."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

### BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills:

(See captions in above House message.)

House bill No. 57, referred to Committee on Judicial Districts.

House bill No. 104, referred to Committee on Educational Affairs.

House bill No. 263, referred to Committee on Judicial Districts.

### SENATE BILL NO. 89.

The Chair laid before the Senate, Senate bill No. 111, the pending business for this hour.

On motion of Senator Masterson, the pending order of business (Senate bill No. 111) was suspended, and the Senate took up, out of its order, Senate bill No. 89, by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Senter.
Greer.	Terrell of Bowie.
Hayter.	Thomas.
Holsey.	Veale.
Hudspeth.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Hume.	Real.
Kellie.	Terrell of McLennan.

Absent—Excused.

Harper.	Sturgeon.
Stokes.	

The Chair laid before the Senate, on second reading,

Senate bill No. 89, A bill to be entitled "An Act to amend Sections Nos. 2, 11, 12, 13, 16, 17, 22, 23, 29, 30, 35, 41, and 44 of Chapter 15 of the General Laws of the State of Texas, passed at the Reg-

ular Session of the Thirtieth Legislature of Texas, entitled 'An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts, to construct canals, drains and ditches, to make levees, improve streams and water courses and make other improvements for the purpose of drainage, to order and hold elections for the purpose of voting on drainage propositions and authorizing the issuance of bonds and levy of tax, and to issue bonds in payment for such drainage improvements and maintenance thereof, and to levy and collect taxes for the payment of such bonds, to appoint drainage commissioners and all other necessary officers of such drainage districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such drainage districts, and authorizing the drainage commissioners to acquire by purchase, gift or grant, for such district, title to any right of way and other property, and generally authorizing the county commissioners court and the drainage commissioners to do all things necessary for the establishment and maintenance of such districts according to the provisions of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency'; validating certain proceedings had and bonds heretofore issued and registered, providing for additional bonds, repealing all laws in conflict herewith, and declaring an emergency."

The committee report, with amendments, was adopted, on motion of Senator Masterson.

Senator Masterson offered the following amendment, which was read and adopted:

Amend the caption of the bill by inserting between the word "additional" and the word "bonds," the following: "Elections and issuance of."

Senator Masterson offered the following amendment, which was read and adopted:

Amend the bill by inserting between the words "set" and "down," page 3, line 5, the words "said petition."

Senator Masterson offered the following amendment which was read and adopted:

Amend the bill, page 4, line 9, by striking out in the third line "the," and the word "mentioned," inserting after the word "notices," the following: "Shall be given as provided," and inserting after the word "law" a comma (,)

and the word "and," and striking out the words "contain notice," in lines 9 and 10 and inserting the word "state."

Senator Masterson offered the following amendment, which was read and adopted:

Amend the bill, page 7, by inserting after the word "taxation," in line 15, a comma (,) and the following words: "Nor exceeding the amount specified in said order and notice of election."

Senator Masterson offered the following amendment, which was read and adopted:

Amend Section 11, line 5, page 4, by adding thereto after the word "levees," the following: "Which levees may be constructed for the purpose of conducting waters from the lands of said district or to prevent the overflow of waters from streams or otherwise onto the lands of said district proposed to be drained or otherwise in aid of said purpose."

(Senator Peeler in the chair.)

Senator Masterson offered the following amendment, which was read and adopted:

Amend the bill, page 8, line 26, after the word "registered," by inserting the following: "Except such bonds that were issued and registered with the Comptroller under Chapter 40 of the Acts of the Thirtieth Legislature of Texas, in excess of the estimate before the commissioners court when the election was ordered and held."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 6, line 23, by inserting after the word "county," "and shall have resided in such county for at least three years."

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 7, line 4, after the word "commissioners," the following: "Or in case of the resignation of any such commissioners."

Bill read second time, and ordered engrossed.

On motion of Senator Masterson, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.  
Alexander.  
Bryan.

Cofer.  
Greer.  
Hayter.

Holsey.	Senter.
Hudspeth.	Terrell of Bowie.
Masterson.	Terrell of
Mayfield.	McLennan.
Meachum.	Thomas.
Murray.	Veale.
Paulus.	Ward.
Peeler.	Watson.
Perkins.	Weinert.
Real.	Willacy.

Nays—1.

Brachfield.

Absent.

Hume.

Kellie.

Absent—Excused.

Harper.  
Stokes.

Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Terrell of Bowie.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Nays—1.

Brachfield.

Absent.

Hume.

Terrell of McLennan.

Absent—Excused.

Harper.  
Stokes.

Sturgeon.

Senator Masterson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 111.

The Chair laid before the Senate the pending business for this hour,

Senate bill No. 111, A bill to be entitled "An Act to define and regulate the practice of professional nursing, to create a board of nurse examiners for the examination of nurses, and to prescribe their qualifications, to provide for their proper registration and to fix suitable

penalties for the violations of this act, and declaring an emergency."

The question being on the following pending amendment, by Senator Terrell of Bowie, and the substitute for same by Senator Alexander:

Amend the bill by striking out the word "revoke," in line 27, page 3, and inserting in lieu thereof the following: "Institute proceedings in the district court of the residence of the person holding such certificate to revoke and cancel."

Substitute: Amend the bill by adding after the word "heard," in line 3, page 4, "and in the event said certificate shall be revoked by said Board, the holder of such certificate shall have right of action within thirty days thereafter in the district court of the county of the residence of any member of the Board, and said certificate shall remain in force until the question is finally decided by the courts."

(Lieutenant Governor Davidson in the chair.)

The substitute amendment by Senator Alexander for the amendment by Senator Terrell of Bowie was adopted.

The amendment as substituted was then adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Nays—2.

Terrell of Bowie. Thomas.

Absent.

Hume.

Absent—Excused.

Harper.  
Stokes.

Sturgeon.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Nays—2.

Terrell of Bowie. Thomas.

Absent.

Hume.

Absent—Excused.

Harper. Sturgeon.  
Stokes.

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE JOINT RESOLUTION NO. 1.

The Chair then laid before the Senate, as pending business,

Senate Joint Resolution No. 1, being a resolution to amend Article 16 of the Constitution of the State of Texas, by adding thereto Section 58, when a majority of the qualified electors for members of the Legislature of Texas at an election for that purpose shall vote in favor of the amendment.

Pending.

#### EXECUTIVE MESSAGE.

Executive Office,  
State of Texas,

Austin, Texas, February 2, 1909.

To the Senate:

The advice and consent of the Senate is requested to the following appointment:

J. C. Roberts of Dallas county, to be judge of the Sixty-eighth Judicial District of Texas.

T. M. CAMPBELL,  
Governor.

#### EXECUTIVE SESSION—TIME SET FOR.

Senator Senter moved that the Senate go into executive session at 12:30 o'clock today for the purpose of acting on the above appointment by the Governor.

The motion was unanimously adopted.

#### SENATE JOINT RESOLUTION NO. 1.

Action then recurred on the consideration of Senate Joint Resolution No. 1.

#### EXECUTIVE SESSION.

The Chair here announced that the hour, 12:30 o'clock p. m., had arrived for the Senate to go into executive session for the purpose of considering the appointment sent to the Senate today. The Senate Chamber was cleared of all persons not entitled to remain.

#### IN EXECUTIVE SESSION.

In executive session the following confirmation was made:

Judge of the Sixty-eighth Judicial District—J. C. Roberts.

#### IN THE SENATE.

#### SENATE BILL NO. 18.

On motion of Senator Alexander, the pending order of business (Senate Joint Resolution No. 1) was suspended, and the Senate took up, out of its order, Senate bill No. 18, by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Perkins.
Greer.	Real.
Hayter.	Senter.
Holsey.	Terrell of Bowie.
Hudspeth.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	

Nays—2.

Brachfield. Terrell of McLennan.

Absent.

Willacy.

Absent—Excused.

Harper. Sturgeon.  
Stokes.

The Chair laid before the Senate, on second reading,

Senate bill No. 18, A bill to be entitled "An Act declaring void the sale or transfer of portions of stocks of merchandise otherwise than in the ordinary course of trade in the usual and regular prosecution of the seller's or transferrer's business, and sales or transfers of entire stocks of merchandise in bulk, unless made in compliance with certain named conditions and regulations, and prescribing such conditions and regulations according to which such sales may be made valid, and declaring an emergency."

#### SENATE BILL NO. 19—MADE SPECIAL ORDER.

Here, on motion of Senator Holsey, the pending order of business (Senate bill No. 18) was suspended, and the Senate took up, out of its order, Senate bill No. 19, by the following vote:

Yeas—25.

Adams.	Peeler.
Alexander.	Perkins.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Terrell of Bowie.
Greer.	Terrell of McLennan.
Hayter.	Thomas.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Absent.

Kellie.	Paulus.
Murray.	
Absent—Excused.	
Harper.	Sturgeon.
Stokes.	

The Chair laid before the Senate, on second reading,

Senate bill No. 19, A bill to be entitled "An Act to provide for the location and establishment of a factory for the manufacture of cotton bagging, cotton sacks and cotton twine by the Board of Management of the State Penitentiary, for the employment of managing experts and of certain State convicts in the operation of said factory, and to make an appropriation therefor."

Senator Holsey moved that the bill be made a special order for next Monday morning at the conclusion of the morning call.

The motion prevailed.

#### SENATE BILL NO. 90—RECOMMENDED.

Senator Ward here moved that Senate bill No. 90 be recommitted to Committee on Finance.

The motion prevailed, and the bill was so recommitted.

#### ADJOURNMENT.

On motion of Senator Weinert, the Senate adjourned until tomorrow morning at 10 o'clock.

#### APPENDIX.

##### COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, February 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

House bill No. 57, A bill to be entitled "An Act to restore to and confer upon the county court of Shelby county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Laws of this State, and to conform the jurisdiction of the district court of said county to such change, and to give said county court concurrent jurisdiction with justices of the peace and other inferior courts of said county, and to repeal all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Perkins, Hume, Ward, Willacy, Masterson, Terrell of Bowie, Paulus, Peeler.

Committee Room,

Austin, Texas, January 29, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

Senate bill No. 137, A bill to be entitled

"An Act to amend Title 12, Chapter 2, Revised Civil Statutes of the State of Texas, by adding to Article 278 Article 278a, prescribing mode of appointing assistant district attorneys in districts of 60,000 population or over, where there is no criminal district court established, and qualification thereof, and affixing salary, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

WATSON, Chairman.

Committee Room,

Austin, Texas, February 2, 1909.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 77, A bill to be entitled "An Act to amend Articles 3498u, 3498v, 3498w and 3498x, Title 72, Chapter 1 of the Revised Civil Statutes of the State of Texas, so as to embrace within its provisions idiots, lunatics and persons non compos mentis, in addition to minors as now embraced therein, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, February 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 41, A bill to be entitled "An Act to amend Article 1194 of Chapter 4 of Title 30 of the Revised Civil Statutes of the State of Texas, and providing for an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendment:

Amend the bill by striking out all after the word "reside," in Section 14, and by adding the following: "Provided, that where there is more than one defendant the suit must be brought

in the county where the land or any part of the land is situated."

MEACHUM, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, February 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 41, A bill to be entitled "An Act to amend Article 1194 of Chapter 4 of Title 30 of the Revised Civil Statutes of the State of Texas, and providing for an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do not pass.

MEACHUM,  
COFER,  
PEELER,  
HUME.

Committee Room,

Austin, Texas, February 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 29, A bill to be entitled "An Act to amend Article 1050, and to repeal Article 1051, Chapter 23, Title 27 of the Revised Statutes of the State of Texas, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,

Austin, Texas, February 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 35, A bill to be entitled "An Act to exempt the counties of Val Verde, Medina, Terrell, Jeff Davis and Jackson from the provisions and operation of Article 5002 to 5042, inclusive, of Chapter 6, Title 102 of the Revised Civil Statutes of 1895, amended by the Acts of the Twenty-eighth and Twenty-ninth Legislatures, relating to the inspection of hides and animals, and repealing all laws in conflict therewith, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,  
Austin, Texas, February 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 103, and find it correctly enrolled, and have this day, at 12 o'clock m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Following is the enrolled bill in full:

S. B. No. 103.

By Veale.

An Act to amend Article 548, Chapter 9 of the Revised Statutes of the State of Texas, providing for the condemnation by incorporated cities and towns of private property for the purpose of widening streets, avenues or alleys, or for the construction of water mains, supply reservoirs or a stand-pipe for waterworks or sewers, etc., and providing for the condemnation by such cities or towns of private property in, on and through which to lay, construct and maintain sewer pipes, mains and laterals and connections, and upon which to maintain vats, filtration pipes and other pipes, and which to use and occupy as a place for the ultimate disposition of sewage in or out of the town or city limits, whenever it be made to appear that the use of such private property is necessary for the successful operation of such sewer system, and whenever it be made to appear that such sewer system is beneficial to the public use, health or convenience; to repeal all laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 548 of Chapter 9, Title 18 of the Revised Statutes of the State of Texas be, and the same is hereby amended so as to hereafter read as follows:

Article 548. That whenever a city council of an incorporated city or town shall deem it necessary to take any private property in order to open, change or widen any public street, avenue or alley, or for the construction of water mains or supply reservoirs or stand-pipes for waterworks or sewers, or for the purpose of establishing thereon one or more hospitals or pesthouses, within or without the limits of such city or town, or for the purpose of constructing and maintaining sewer pipes, mains and

laterals and connections, and also private property upon which to maintain vats, filtration pipes and other pipes, and which to use and occupy as a place for ultimate disposition of sewage in or out of the town or city limits whenever it be made to appear that the use of any such private property is necessary for successful operation of such sewer system, and when it be also made to appear that such sewer system is beneficial to the public use, health and convenience, such property may be taken for such purposes by making just compensation to the owner thereof. If the amount of such compensation can not be agreed upon, it shall be the duty of such city council to cause to be stated in writing the real estate or property sought to be taken, the name of the owner thereof and his residence, if known, and file such statement with the county judge of the county in which said property is situated. Any company or corporation chartered under the laws of this State for the purpose of constructing waterworks or furnishing water supply for any town or city shall have the same right to condemn property necessary for the construction of supply reservoirs or standpipes for waterworks, when deemed necessary to preserve the public health, that is given towns and cities under this article. Upon the filing of the statement provided for in this article it shall be the duty of said judge in term time or vacation, to appoint three disinterested freeholders and qualified voters of the county as special commissioners to assess the damages to accrue to the owner by reason of such condemnation, and repealing all laws in conflict herewith.

Sec. 2. The fact that there is now no adequate law authorizing or empowering incorporated cities and towns to condemn private property for establishing and maintaining sewers and the requirements by condemnation proceedings of lands upon which to empty sewage, and to erect vats and other necessary appliances for the disposition of such sewage, and the further fact that many incorporated cities and towns are compelled under the present law to refrain from the use of such sewers by reason thereof, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act go into effect immediately after its passage, and it is so enacted.



## Committee Room,

Austin, Texas, February 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 23, "An Act constituting Dallas county the Fourteenth, Forty-fourth and Sixty-eighth Judicial Districts; providing for the judges of the Fourteenth and Forty-fourth Judicial Districts to continue to hold their offices for the term for which they were elected, the appointment of a suitable person by the Governor as judge of the Sixty-eighth Judicial District to hold until the next general election; that said courts shall not exercise criminal jurisdiction and shall exercise concurrent jurisdiction in all civil cases and proceedings of which district courts are given jurisdiction by the Constitution and laws of the State; that the present district clerk of Dallas county shall continue to hold his office for the term for which he is elected, and providing for filling vacancies should one occur in said office; providing for making up a docket for the Sixty-eighth Judicial District Court from the dockets of the other two courts, equalizing the dockets of the three courts as near as may be; prescribing how cases shall be numbered and filed in the several courts; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 12 o'clock m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

## Committee Room,

Austin, Texas, February 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 39, "An Act to confer upon the county court of Brewster county the civil and criminal jurisdiction belonging to said court under the Constitution and general statutes of Texas, to defer the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this act,"

And find it correctly enrolled, and have this day, at 12 o'clock m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

## Committee Room,

Austin, Texas, February 1, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 45, "An Act creating a special road law for Lavaca county, and declaring an emergency,"

And find it correctly enrolled, and have this day, at 12 o'clock m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

## Committee Room,

Austin, Texas, February 2, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 89, A bill to be entitled "An Act to amend Sections 2, 11, 12, 13, 16, 17, 22, 23, 29, 30, 35, 41, and 44 of Chapter 40 of the General Laws of the State of Texas, passed at the Regular Session of the Thirtieth Legislature of Texas, entitled, 'An Act to authorize the commissioners courts of the several counties of Texas to create and establish drainage districts, to construct canals, drains and ditches, to make levees, improve streams and water courses and make other improvements for the purpose of drainage; to order and hold elections for the purpose of voting on drainage propositions, and authorizing the issuance of bonds and levy of tax, and to issue bonds in payment for such drainage improvements and the maintenance thereof, and to levy and collect taxes for the payment of such bonds, to appoint drainage commissioners and all other necessary officers of such drainage districts for the purpose of carrying into effect the provisions of this act; granting the right of eminent domain to such drainage districts, and authorizing the drainage commissioners to acquire by purchase, gift or grant, for such district, title to any right of way and other property, and generally authorizing the county commissioners court and the drainage commissioners to do all things necessary for the establishing and maintenance of such districts according to the provisions of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency'; validating certain proceeding had and bonds heretofore issued and registered, providing for additional elections and issuance of bonds, fixing a tax lien and penalty,

repealing all laws in conflict herewith, and declaring an emergency,"

And find the same correctly engrossed.  
WARD, Chairman.

#### PETITIONS AND MEMORIALS.

By Senator Veale:

We, the undersigned farmers and taxpayers of Foard county, Texas, hereby protest against the passage of Senate bill No. 11, House bill No. 97, House bill No. 93, Senate bill No. 19, and particularly against Senate bill No. 9, which provides for an unjust, unreasonable and prohibitive license for itinerant venders of medicines.

As free American citizens, we wish to be able to purchase goods wherever we please, and from whom we please, and which would be impossible if this bill was passed. We consider that a license of itinerant venders of medicines, etc., should not exceed \$75 per annum, in each county where the business is transacted. We therefore earnestly petition you to oppose said bills.

Numerously signed.

By Senator Veale:

To Hon. John W. Veale, Austin, Texas.

Dear Sir: We, the undersigned citizens of Floyd county, Texas, respectfully request you to use your influence against any attempt that may be made to enact a law reducing passenger fares on railroads in Texas. We believe that such a law would tend to retard the development of this section of the State, which is so much in need of railroad facilities.

Numerously signed.

By Senator Cofer:

Gonzales, Texas, February 1, 1909.

Gentlemen of the Legislature:

We wish to add ours to the many petitions flooding Austin in favor of bills against Sabbath desecration, race-track and all other gambling, and the whisky traffic. Be assured of our hearty sympathy, and our prayers for God's guidance and blessing for our noble, true men.

Very sincerely,

THE WOMAN'S CHRISTIAN TEMPERANCE UNION.

MRS. J. H. BOOTH, Secretary.

By Senator Holsey:

To Hon. W. R. Holsey, State Senator, Austin, Texas:

We, the undersigned voters of the

Ninth Senatorial District, residing in Kaufman county, respectfully ask you to vote for statutory prohibition in case a constitutional amendment favoring Statewide prohibition is not submitted to the people by the Thirty-first Legislature.

Numerously signed by citizens of Kaufman, Henderson and Navarro counties.

By Senator Adams:

Brownwood, Texas, January 25, 1909.

Senator W. N. Adams, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

Hon. W. N. Adams, Austin, Texas.

Dear Sir: We, the undersigned citizens of Coleman county, request you to vigorously oppose any bill that may be introduced in this Senate that will be detrimental to any honest, legitimate business. We ask you to oppose a doctor or druggist bill requiring a tax that will be prohibitive on peddlers of proprietary medicines, flavoring extracts, etc., where these goods are sold on a guarantee—"satisfaction before we pay"—and the agent makes regular visits to regular customers and makes all guarantees good. To place a tax on such men or such business we think unfair, not democratic and un-American. If a tax must be placed on such business we think \$100 a year sufficient, and believe this should be used to improve the public roads and bridges.

Numerously signed.

By Senator Thomas:

Pecan Gap, Texas, January 25, 1909.

To the Legislature of the State of Texas:

The undersigned petitioners, voters and taxpayers of Delta county, Texas, most respectfully ask your honorable body to support the Thomas bill relative to the office of county superintendent of public instruction.

Numerously signed.

By Senator Senter:

To the Legislature of the State of Texas:

We, the undersigned citizens, farmers, taxpayers and patrons of the traveling medicine venders in Dallas county, Texas, hereby protest against the pas-

sage of Texas Senate bill No. 9, introduced by Senator Hayter, placing a tax of \$100 per month on such venders, and we also request that you oppose any other bill that would interfere with their business, for such a law would be unfair, undemocratic, and prohibitive, and we think we should have the right to purchase goods wherever we please. Instead of placing a \$1200 a year tax on them, it would be far more fair and equitable to reduce the present \$150 per year tax to \$75 per year in each county, and make it payable to the road and bridge fund. We are well pleased with their plan of selling direct to us, and they pay at present as much taxes as the retail druggist, and in addition the \$150 per year occupation tax; and their goods comply with the Texas pure food law; and we know them to be good citizens, saving us time and money on our purchases, and investing their profits in Texas, so we see no cause for, and do not want them to be put out of business.

Numerously signed.

By Senator Ward:

Senator P. S. B. Ward, Austin, Texas:

We, the undersigned citizens of your district, respectfully and earnestly urge you to vote for and give your support to the passage of the Mayfield-Meachum bill, prohibiting pool selling, book making and wagering on horse races.

Numerously signed.

By Senator Adams:

Hon. W. N. Adams, Austin, Texas.

Dear Sir: We, the undersigned farmers and taxpayers of Comanche county, respectfully petition you to vote and use your influence against the passage of Senate bill No. 9.

This bill not only imposes a prohibitive license fee, but we believe is intended to give certain interests behind the bill a monopoly on the sale of medicines. It is certainly against the farmers' interests.

For years we have been buying our medicines, etc., from men who called on us regularly with wagons. We get better values and terms from them; we like the goods better than we can obtain elsewhere, and we believe we have a right to buy from whom we please.

As a revenue measure it may be all right for these men to pay a license of \$50 or \$60 a year, but as their line of goods is smaller and they have other taxes to pay, too, the license, to be

equitable, should not be any more than the average business man pays.

We, therefore, ask you to consider our interests and act accordingly.

Numerously signed.

By Senator Veale:

Henrietta, Texas, January 27, 1909.

To the Hon. Jno. Veale, Senator for the Twenty-ninth District of Texas.

Dear Sir: We, the undersigned citizens of Clay county, and the Twenty-ninth Senatorial District of Texas, respectfully ask and petition you and the Hon. Mr. Ballengee, Representative of this the Eighty-third Representative District of Texas, to favor any law that will reduce the occupation tax on circuses in the State of Texas, so that the smaller towns may have the benefit of having the larger shows come among them.

Numerously signed.

By Senator Murray:

Protest from citizens of Wilson county against Senate bills Nos. 11, 19, and 9; also House bills Nos. 93 and 97, and praying the Legislature to let the people alone.

A protest from J. O. Stevenson against passing Senate bills Nos. 11, 19 and 9; also House bills Nos. 93 and 97, and praying that the people be let alone.

Petition of W. E. Hudson and fifty-six other citizens of Jackson county, asking that the anti-race track bill be passed.

## SEVENTEENTH DAY.

Senate Chamber,  
Austin, Texas,

Wednesday, February 3, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Hayter.	Thomas.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	